

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
(Greenbelt Division)

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| RUDOLPH J. GEIST , <i>et al.</i> , |) | |
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| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | |
| HISPANIC INFORMATION & |) | Case No. 8:16-cv-3630 |
| TELECOMMUNICATIONS NETWORK, |) | |
| INC., |) | |
| |) | |
| Defendant. |) | |
| |) | |

JOINT STATUS REPORT

Pursuant to the Court’s Letter Order dated August 29, 2018 (ECF 67) (the “Order”), Plaintiffs Rudolph J. Geist, RJGLaw LLC, and RJGLaw LLC (“Plaintiffs”), and Defendant Hispanic Information and Telecommunications Network Inc. (“HITN”) (collectively, the “Parties”) by and through their undersigned counsel, hereby submit their Joint Status Report.

1. Settlement Conference on September 17, 2018

On September 17, 2018, the Parties participated in mediation with the Honorable Benson Everett Legg in Baltimore, Maryland. The mediation began at approximately 10:00 a.m. and concluded at approximately 6:30 p.m. Despite the Parties’ efforts, a settlement was not reached at the mediation.

2. Requests for Modifications

On August 20, 2018, the Parties submitted a Joint Motion to Modify the Court’s Scheduling Order (the “Joint Extension Motion”) (ECF 64). In the Order, the Court stated: “Although the Court is not opposed to the requested extension in principle, it appears more prudent to reserve on the need for formal extension until the completion of the currently scheduled settlement conference. The parties are hereby ordered to submit a joint written status report within one week after the conclusion of the settlement conference.” The Court requested that in this joint status report, the Parties should propose what, if any, extension of the discovery deadlines is needed.

On September 4, 2018, Plaintiffs filed a request for conference with the Court seeking judicial intervention regarding a discovery dispute between the Parties. On September 14, 2018, the Court held a telephone conference with the Parties to address these issues. On the same day, the Court issued a Letter Order in which it instructed Defendant HITN (1) “as to the documents related to the eight to nine Puerto Rico EBS Channels”, to produce “the documents created

between January 2014 and June 30, 2016 related to Sprint/Clearwire's surrender of such channels in connection with the T2 Transaction" by September 24, 2018, and (2) to the extent the Parties cannot resolve their dispute regarding whether documents are covered by the attorney-client privilege, to produce a complete and accurate updated privilege log along with the underlying documents still in dispute for the Court's *in camera* review by September 24, 2018 (ECF 72) (the "Discovery Order"). On September 21, the Parties reached a compromise regarding the documents on HITN's privilege logs that were the subject of the Discovery Order. After considering the Court's guidance regarding privilege, HITN agreed to produce a substantial number of the documents to Plaintiffs. As a result, Plaintiffs have agreed that HITN does not need to provide the Court with privilege logs or submit any documents *in camera* on September 24, 2018. Plaintiffs have reserved the right to reassert their challenge with respect to the remaining documents if, after reviewing the produced documents, they do not believe HITN's production is adequate.

For the reasons stated in the Joint Extension Motion, and given the expected production of additional documents based on the Discovery Order, the Plaintiffs believe that the extension below is necessary so as not to prejudice Plaintiffs' ability to review the documents at issue and prepare for depositions. Defendant does not oppose the request.

Accordingly, the Parties jointly request the following modifications to the deadlines set forth in the Joint Extension Motion (dates in brackets reflect the deadlines set forth in the Joint Extension Motion) and Scheduling Order (ECF 57):

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| June 29, 2018 | Motion to amend the pleadings or for joinder of additional parties |
| August 6, 2018* [July 16, 2018] | Document production substantially completed |
| November 9, 2018* [August 17, 2018] | Fact depositions completed |
| November 16, 2018 [August 20, 2018] | Plaintiffs' Rule 26(a)(2) expert disclosures |
| December 17, 2018 [September 21, 2018] | Defendant's Rule 26(a)(2) disclosures |
| January 4, 2019 [October 5, 2018] | Plaintiffs' rebuttal Rule 26(a)(2) |

* The Parties have included a deadline for this event although none is required by the Amended Scheduling Order in the Initial Joint Status Report (ECF 55), as adopted by this Court (ECF 57) in order to ensure the timely and efficient completion of discovery, but respectfully request permission to modify this deadline by agreement and without leave of Court.

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| January 17, 2019 [October 31, 2018] | Rule 26(a)(2) supplementation of disclosures and responses |
| January 17, 2019* [October 31, 2018] | Expert depositions completed |
| January 17, 2019 [October 31, 2018] | Completion of Discovery; submission of Post-Discovery Joint Status Report |
| January 24, 2019 [November 7, 2018] | Requests for admissions |
| February 22, 2019 [November 30, 2018] | Dispositive pretrial motions |

Dated: September 24, 2018

By: /s/ Benjamin G. Chew
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